UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
BRIAN KELSEY)
JOSHUA SMITH)
)
Defendant.)
	<u>ORDER</u>

In accordance with the discussions at the status conference on July 27, 2023, the Court confirms the following:

(1) The Motion to Reset Sentencing Hearing (Doc. No. 121) is **GRANTED** and sentencings are now set as follows:

Brian Kelsey	August 11, 2023	1:00 p.m.
Joshua Smith	August 11, 2023	3:00 p.m.

These sentencing dates and times are firm and will not be changed absent the most extraordinary of circumstances, which the Court cannot envision.

- (2) Kelsey's unopposed Motion to Substitute Attorney (Doc. No. 121) is **GRANTED** and J. Alex Little and Zachary C. Lawson are **SUBSTITUTED** for Paul Bruno, David Rivera, Jerry Martin, and David Warrington, each of whom is relieved from further representation in this case.
- (3) By 5:00 p.m. on July 31, 2023, Kelsey shall file a Notice indicating whether he intends to rely on mitigation evidence at the upcoming sentencing hearing based upon the advice of attorney Kory Langhofer. If so, that Notice shall be accompanied by a signed waiver of the attorney-client

privilege and a summary of the substance of Mr. Langhofer's evidence, either in the form of a summary or a draft affidavit. If Kelsey intends to rely on Mr. Langhofer, then Mr. Langhofer must be present on August 11, 2023.

- (4) Any further objections to the PSR will be submitted to Terra Everett, the Presentence Report Writer, by 5:00 p.m. on August 1, 2023, and she shall resolve the same by 5:00 p.m. on August 4, 2023.
- (5) Also by 5:00 p.m. on August 4, 2023, the parties shall file their Sentencing Memorandum discussing the Section 3553(a) factors and their position and arguments relating to any objections that may remain outstanding.

IT IS SO ORDERED.

WAVERLY D. CKENSHAW, JR.

CHIEF UNITED STATES DISTRICT JUDGE